

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CIVIL ACTION NO.: 3:20-cv-00596

JOHNNY H. COBLE, JR. and ROBIN
COBLE, both on behalf of their minor child
“J.H.C.”

Plaintiffs,

v.

LAKE NORMAN CHARTER SCHOOL,
INC., *et al.*,

Defendants.

**DEFENDANTS’ BRIEF IN
OPPOSITION TO PLAINTIFFS’
MOTION TO RECONSIDER**

Lake Norman Charter (“LNC”) submits this brief on behalf of all defendants and requests that the Court deny Plaintiffs’ Motion to Reconsider (Doc. 33).

Starting on 04 November 2020 at the TRO hearing and continuing to the present in their current motion, Plaintiffs have pushed one theory: that *Lemon v. Kurtzman*, 401 U.S. 602 (1971), does not apply to this case. This Court has rejected that argument at every turn, mainly because the Fourth Circuit’s decision in *Wood v. Arnold*, 915 F.3d 308 (4th Cir. 2019), remains binding precedent.

If the Cobles want to pursue their legal theory, the time has now come to do so before the United States Court of Appeals for the Fourth Circuit. Defendants ask that this Court deny the Motion to Reconsider.

Respectfully submitted, this the 28th day of April 2021.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Defendants' Brief in Opposition to Plaintiffs' Motion to Reconsider using the CM/ECF system which will send notification of such filing to counsel of record.

This the 28th day of April 2021.

/s/ James G. Middlebrooks
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